

Long Term Care NEWSLETTER

Indiana State Department of Health

ISDH Long Term Care
Newsletter Issue # 08-26
October 17, 2008

In Today's Issue:

- Disaster Update
- CMS Update
- HIPAA Update
- MERS Update



October 2008: Ovarian Cancer

- *Get Informed*
- *Know Your Risks*
- *Don't Ignore Symptoms*

State Health Commissioner Judy Monroe, M.D. writes monthly prescriptions for Indiana that address important health issues. Check back regularly to read her latest Rx.

Disaster Update

EVACUATION OPTIONS:

On September 23, 2008, the Indiana State Department of Health (ISDH) presented a Long Term Care Leadership Conference on Emergency Preparedness Planning. During the Conference the Assistant Commissioner provided participants with an overview of options that a facility may have when an evacuation occurs. Attached is a [program advisory letter](#) with information that was included in the presentation.

The purpose of this program advisory letter is to assist health care facilities in emergency preparedness planning. The letter will provide information about potential options a facility might have in an evacuation situation. The content focuses on ensuring a business plan for the facility. The letter is based on comprehensive care facilities (nursing homes) but may be relevant to some other health care facilities and providers.

LINKS TO HOME HEALTH EMERGENCY PREPAREDNESS RESOURCES:

Here are a few links to some new home health care emergency preparedness and response resources.

Emergency Preparedness Packet for Home Health Agencies
National Association for Home Care & Hospice (NAHC)
http://www.nahc.org/regulatory/EP_Binder.pdf

Preparedness Planning for Home Health Care Providers
U.S. Department of Homeland Security (DHS)
http://www.dhs.gov/xprepresp/programs/gc_1221055966370.shtm

Disaster Planning Guide for Home Health Care Providers
U.S. Department of Homeland Security (DHS)
<http://www.dhs.gov/xlibrary/assets/oha-home-health-care-preparedness.pdf>

CMS Update

The Centers for Medicare and Medicaid Services (CMS) periodically issues survey and certification letters to provide guidance on health care provider issues. CMS has issued two letters pertaining to certified comprehensive care facilities (nursing homes).

CMS [Survey and Certification Letter 09-04](#) discusses the adoption of new fire safety requirements for long term care facilities and mandatory sprinkler installation requirements. On August 13, 2008, CMS published a [final rule](#) entitled "Medicare and Medicaid Programs; Fire Safety Requirements for Long Term Care Facilities, Automatic Sprinkler Systems." This regulation requires all long term care facilities to be equipped with a supervised automatic sprinkler system by August 13, 2013, installed in accordance with the 1999 edition of the National Fire Protection Association's (NFPA) "Standard for the Installation of Sprinkler Systems" (NFPA 13). Facilities with existing sprinkler systems should review their sprinkler systems to determine if they meet the requirements of the 1999 edition of NFPA 13.

CMS [Survey and Certification Letter 09-05](#) discusses the Special Focus Facility (SFF) Program Scoring Algorithm. This memorandum provides specific details on the scoring methodology used to identify those nursing homes that become candidates for the Special Focus Facility initiative by virtue of their more serious history of severe and persistent quality of care problems. CMS explains the method for scoring nursing home deficiency findings and survey results. The Special Focus Facility methodology produces a score for identifying those facilities that merit closer survey attention through the initiative.

HIPAA Update

The Office of Civil Rights posted a new Frequently Asked Question (FAQ) - *Is the HIPAA Privacy Rule suspended during a national or public health emergency?* The question addresses a frequent misunderstanding regarding how the Privacy Rule standards apply during national disasters or public health emergencies and describes the limited authority of the Secretary of the U.S. Department of Health and Human Services to waive certain provisions of the Rule under Project Bioshield Act of 2004. The link to the new FAQ is <http://www.hhs.gov/hipaafaq/providers/hipaa-1068.html>.

Medical Error Reporting Rule

Revisions to the Medical Error Reporting Rule have been approved by the Attorney General and Governor and the receipt for filed document was posted on the Indiana Register. Indiana Legislative Services will update the rules on their Web site in the coming weeks. For your convenience, attached is the revised [Medical Error Reporting Rule for hospitals](#).

The Medical Error Reporting Rule was adopted in 2005. The reporting requirements were based on the National Quality Forums' 27 consensus reporting standards. There are four health care providers required to report events. The four providers are hospitals, ambulatory surgery centers, abortion clinics, and birthing centers. If a comprehensive care unit is included under a hospital license, the comprehensive care unit would be included in the reporting requirement. Comprehensive care facilities (nursing homes) not under a hospital license are not required to report these events.

The revised rule adds a 28th reportable event and revises a few of the current events. The added 28th reportable event is artificial insemination with the wrong donor sperm or wrong egg. Health care facilities should begin using the revised Medical Error Reporting System standards on January 1, 2009. Any potential reportable event occurring on or after that date should be evaluated under the revised standards.



Best wishes for the coming week.

Terry Whitson
Assistant Commissioner
Indiana State Department of Health